

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

Paper No. 32

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

WILLIAM J. RUTTER and
DANIEL V. SANTI
Junior Party¹

v.

WILLIAM J. RUTTER and
DANIEL V. SANTI
Junior Party²

v.

¹ The application 07/673,682, filed 03/22/91, now patent No. 5,225,533, granted 07/06/93. Assignee to the Regents of the University of California, Berkeley, CA.

² The application 07/189,318, filed 05/02/88, now Patent No. 5,010,175, granted 04/23/91. Assignee to The Regents of the University of California, Berkeley, CA.

Interference No. 103,681

HENDRIK M. GEYSEN
Senior Party³

Patent Interference No. 103,681

Before URYNOWICZ, SOFOCLEOUS and DOWNEY, Administrative Patent Judges.
DOWNEY, Administrative Patent Judge.

JUDGMENT

On April 7, 1998, junior party, Rutter et al., filed pursuant to 37 CFR § 1.662(a) a concession of priority to Geysen (Paper No. 31).

Accordingly, JUDGMENT as to the subject matter of the count in issue is hereby awarded to HENDRIK M. GEYSEN, the senior party. Accordingly, WILLIAM J. RUTTER and DANIEL V. SANTI, the junior party, are not entitled to their U.S. patent No. 5,225,533 containing claims 1-37 corresponding to the count and to their U.S.

patent No. 5,010,175 containing claims 1-42 corresponding to the count. On this record, party Geysen is entitled to a patent containing claims 12 and 14.

³ The application 07/968,366, filed 10/29/92. Accorded the Benefit of Applications 07/541, 169, filed 06/21/90, now patent No. 5,194,392, granted 03/16/93 Application 06/864,341, filed 05/22/86, all Abandoned; and Australian patent application PG 6188/84, filed 07/24/84.

Interference No. 103,681

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	BOARD OF PATENT
MICHAEL SOFOCLEOUS)	
Administrative Patent Judge)	APPEALS AND
)	
)	INTERFERENCES
)	
MARY F. DOWNEY)	
Administrative Patent Judge)	

Interference No. 103,681

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